

WDNC Civil Action No. _____

Defendant.

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pursuant to 28 U.S.C. § 1446(b). Defendant is represented by the undersigned counsel and Defendant consents to removal.

4. In the Complaint, Plaintiff has alleged various causes of action against Defendant, including a claim of a “Violation of Constitutional Rights: The Plaintiff’s Fourth Amendment rights were violated during the incident...”

5. Because this is a civil suit for damages arising under the laws of the United States, specifically, the Fourth Amendment under the United States Constitution (and Civil Rights Act of 1871, 42 U.S.C. §§ 1983, although not specifically pled), this case involves a federal question, and federal jurisdiction is therefore founded upon 28 U.S.C. § 1331 and is removable to federal court pursuant to 28 U.S.C. § 1441. Further this Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

6. Based on federal question jurisdiction, Defendant contends that the aforesaid state action may be removed by Defendant pursuant to 28 U.S.C. § 1441. Defendant contends that the United States District Court would be acting within its discretion by exercising supplemental jurisdiction over the remaining state claims, if any, pursuant to 28 U.S.C. § 1367

7. The United States District Court for the Western District of North Carolina is the District in which the aforementioned state court action is now pending. Therefore, the undersigned hereby moves to remove this action from the aforesaid Superior Court of Iredell County, North Carolina, in which it is now pending, to the United States District Court for the Western District of North Carolina by filing this Notice of Removal.

8. Written notice of filing of this Notice of Removal will be served upon the adverse party in this action as required by law.

9. A copy of this Notice of Removal has been sent for filing with the Clerk of the Superior Court of Iredell County, North Carolina, as shown by the Notice attached hereto as **Exhibit B.**

WHEREFORE, the Defendant, Mooresville Police Department., hereby gives notice that this action has been removed from the Superior Court of Iredell County, North Carolina, to the United States District Court for the Western District of North Carolina.

This the 29th day of February, 2024.

CRANFILL SUMNER LLP

BY: /s/Jake Steward
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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day electronically filed the foregoing ***NOTICE OF REMOVAL TO FEDERAL COURT*** with the Clerk of Court using the CM/ECF system serving the same on all parties as follows:

Nathaniel D. Rose
151 Waterlynn Drive
Mooresville, NC 28117
629-235-3003
Pro Se Plaintiff

This the 29th day of February, 2024.

CRANFILL SUMNER LLP

BY: /s/Jake Stewart
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